

December 13, 2001

VIA TELEFAX & E-MAIL

Randy Bates
Division of Governmental Coordination
Office of the Governor
P.O. Box 110030
Juneau, AK 99811-0030

Re: Draft ACMP Implementation Regulations

Dear Mr. Bates:

Chugach Electric Association, Inc. (Chugach) appreciates the opportunity to comment on the Division of Governmental Coordination's (DGC's) proposed revisions to the regulations for implementation of the Alaska Coastal Management Program (ACMP). Chugach is concerned that the proposed revisions will unduly complicate and delay obtaining consistency determinations necessary for Chugach activities in the coastal zone. Chugach has the following specific concerns:

A. Schedule

The regulations should provide clear, defined and unambiguous schedules for the review process. An applicant should be able to calculate, at the beginning of a project, how long the consistency review will take. Presently, there are deadlines for some steps but not all, and these deadlines can be modified for little cause. For instance, there is no deadline for the determination of completeness or for publication of the required public notice. Once the process is started, the schedule may be modified for little reason with little or no input from the applicant. The ample schedule modification provisions make the deadlines that are contained in the regulations virtually meaningless. The modification provisions of the regulations should limit the length of any appropriate schedule extensions to a reasonable time certain. Otherwise, projects may languish without any decision on their consistency.

B. Alternative Measures and Conditions

The proposed regulations purport to require the implementation of alternative measures and conditions developed during the consistency review process. These provisions are of questionable legality. DGC is not authorized by the statute to condition consistency

determinations or require alternatives to the applicant's proposal. If DGC thinks that a project should be modified to make it consistent, DGC's only option under the law is to find the project inconsistent as proposed. It is up to the applicant to determine if it is willing to submit a modified proposal in response to DGC's concerns. The proposed regulations should be modified to provide a process whereby DGC can express its concerns with a project as proposed and provide the applicant with an opportunity to amend the project to make it consistent, at the applicant's discretion.

C. Applicability

Only activities that have a "direct and significant impact to any coastal use or resource" should be subject to review. Such a provision would save agency and private resources and focus attention on projects that truly affect the coastal zone. As presently drafted, the regulations will unnecessarily delay minor projects and activities with little potential to impact the coastal zone while diverting agency resources away from more substantial projects.

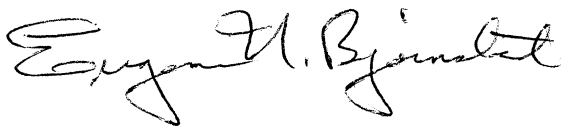
D. Elevations and Petitions

The proposed elevation and petition processes are too complicated and too likely to cause delay. The processes should be streamlined and simplified.

In summary, one of the purposes of the ACMP is to streamline and coordinate regulatory review of projects impacting the coastal zone. The proposed regulations, unless amended as suggested above, will unnecessarily frustrate this goal.

Chugach appreciates your consideration of these comments.

Sincerely,

A handwritten signature in cursive script, reading "Eugene N. Bjornstad".

EUGENE N. BJORNSTAD
General Manager